



INTERIOR BOARD OF INDIAN APPEALS

Estate of George Dragswolf, Jr.

13 IBIA 28 (09/06/1984)

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Voluntary withdrawal, *Morgan v. United States*, Civil No. A4-97-35
(D.N.D. July 8, 1998)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF GEORGE DRAGS WOLF JR. : Order Docketing Appeal, Vacating
: Order Determining Heirs After
: Reopening, and Remanding Case
:
: Docket No. IBIA 84-45
:
: September 6, 1984

On August 17, 1984, the Board of Indian Appeals (Board) received a notice of appeal in the estate of George Drags Wolf, Jr. (decendent), from Rose Crow Flies High (appellant). Appellant sought review of a January 16, 1984, order determining heirs after reopening issued in this estate by Administrative Law Judge Daniel S. Boos.

The original Departmental probate of decedent's estate was concluded on March 24, 1966, with the issuance of an order finding that his heirs were his parents, George (Drags Wolf) Crow Flies High and Grace Medicine Crow Drags Wolf. Subsequently, on September 23, 1982, uncontroverted testimony was presented during the probate of the estate of Grace Medicine Crow Drags Wolf, showing that decedent had been survived by a child. On November 4, 1982, Judge Boos ordered decedent's estate reopened. Following a July 20, 1983, hearing on reopening, Judge Boos found that decedent's trust estate should be redistributed to his surviving son, Stanley Charles Drags Wolf.

Appellant, who was the surviving spouse of George (Drags Wolf) Crow Flies High, inherited trust land from decedent's estate through her husband's estate. She states that her livestock was removed from this inherited land on June 24, 1984. She was later informed by the Fort Berthold Agency, Bureau of Indian Affairs, that decedent's estate had been reopened and the land redistributed.

The Board received the record in this matter on September 4, 1984. The case is hereby docketed under the above name and number.

Also on September 4, 1984, Judge Boos telephoned the Board and stated that he had been out of his office holding hearings, and had just learned of appellant's notice of appeal. He acknowledges that she is an interested party in the reopening and that she did not receive notice of it. He, therefore, requests that the case be returned to him so that he can give appellant an opportunity to be heard.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, and in accordance with Judge Boos' request, the January 16, 1984, order determining heirs after reopening is vacated, and the case is remanded to Judge Boos. The Judge's decision will be final for the Department unless properly appealed in accordance with 43 CFR 4.320.

//original signed

Bernard V. Parrette
Chief Administrative Judge

//original signed

Jerry Muskrat
Administrative Judge

//original signed

Anne Poindexter Lewis
Administrative Judge